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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,974	07/25/2006	Hiromitsu Ichikawa	Q95972	5407
23373 7590 11/02/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER WALSH, DANIEL I	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 11/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/586,974

Applicant(s)

ICHIKAWA ET AL.

Examiner

Daniel I. Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7-05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Receipt is acknowledged of the IDS received on 7-25-06. The information disclosure statement filed 7-25-06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Winter et al. (US 2005/0021172).

Re claim 1, Winter et al. teaches an RFID incorporating barcode label comprising an RFID tag incorporated in the inside of a bar code sheet having a barcode on a front surface (FIG. 1, FIG. 2A+, and page 4, lines 5+ which teach the RFID can be carried on an additional independent layer, and paragraph [0067] which teaches RFID tags can be inserted in between the layers).

Re claim 2, the limitations have been discussed above.

Re claim 5, antenna 28 is described as a dipole antenna.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 3-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter et al., as discussed above.

The teachings of Winter et al. have been discussed above including an adhesive layer 16.

Though silent to the surfaces being bonded, the Examiner notes that the roll as shown in FIG. 1 is interpreted as a cut-away view showing the layers. It would have been obvious for the layers to be bonded/adhered together to create a single roll sheet that could be used effectively for labeling. Bonding/glue/adhesion is an obvious expedient for unifying layers.

Re claim 4, though silent to the thickness of the second sheet member, the Examiner notes that it would have been obvious to one of ordinary skill in the art to have a .25-.35mm thickness of the second sheet since such modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of the ordinary skill in the art. in re Rose, 105 USPQ (CCPA 1955). One might desire a thicker sheet for a more prominent/durable label.

Re claim 6, the Examiner notes that a pressure sensitive label is taught by Winter et al. Though silent to attaching to a tire, the Examiner notes that the selection of what type of item to place the label on, is a matter of intended use, and therefore not patentable. Additionally, the Examiner notes that the placement of labels on items for information purposes is well known in the art, and one would have been motivated to apply the label to a tire, in order to provide tire or tire related information.

Re claim 7, a pressure sensitive adhesive is taught through adhesive 16.

Re claim 8, though silent to managing tire information by reading the information written to the RFID tag on the tire, the Examiner notes that managing RFID tagged objects by reading the RFID tag is well known in the art, such as for inventory, record keeping, etc. Accordingly, it would have been obvious to manage the object which the tag is on, whether a tire (in this case) or other object, since the RFID tag stores information relating to the object, and is the data is read out by conventional reading apparatus.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter et al., as discussed above, in view of Conwell et al. (US 2005/0221704).

The teachings of Winter et al. have been discussed above.

Winter et al. is silent to the tire and managing tires by reading.

Conwell et al. teaches a RFID attached to the outside of a tire (sidewall) (paragraph [0028 and [0002]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Winter et al. with those of Conwell et al.

One would have been motivated to do this for collection of tire information (managing tires) throughout the wheel mounting and final assembly process.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

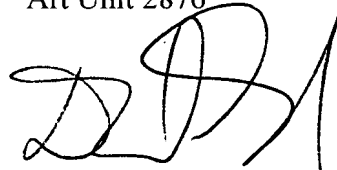
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel I Walsh  
Examiner  
Art Unit 2876



DANIEL WALSH  
PRIMARY EXAMINER

DANIEL WALSH  
PRIMARY EXAMINER